



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL BETANCES, et al.,

Plaintiffs,

- against -

BRIAN FISCHER, in his capacity as
Commissioner of the New York State
Department of Correctional Services (DOCS),
and in his individual capacity, et al.,

Defendants.
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11-CV-3200 (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

As discussed at the case management conference held on April 19, 2023:

1. To address the implications of the recent Second Circuit *Vincent* decision, the parties will proceed according to the following deadlines:

April 20, 2023	Plaintiffs shall serve limited contention interrogatories
May 4, 2023	Defendants shall serve answers to the interrogatories
May 18, 2023	If Plaintiffs believe that the answers to their interrogatories warrant further factual discovery, they shall meet and confer with Defendants and notify the Court of any proposed change in the schedule
May 25, 2023	Plaintiffs shall file their opening brief for partial summary judgment
June 26, 2023	Defendants shall file their opposition, and cross-motion, if any
July 10, 2023	Plaintiffs shall file their reply, and opposition to Defendants' cross-motion
July 24, 2023	Defendants shall file their reply, if any, in support of their cross-motion

2. The briefing shall address at least the following issues: (i) the impediment/causation issue identified by the majority in *Vincent*, (ii) this Court's previous ruling with respect to Nunc Pro Tunc class members, and (iii) implications for continuation as a class action for general loss-of-liberty damages.

3. By May 1, 2023, the parties shall submit blackout dates of availability for trial of general loss-of-liberty damages in September, October, November, and December 2023.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: April 19, 2023
New York, New York

Copies transmitted this date to all counsel of record.